

REMARKS

Applicant, hereby, cancels claims 12 and 13 without prejudice or disclaimer.

Additionally, Applicant adds a new claim 14. Therefore, claims 1, 3, 5-9, 11 and 14 are all the claims pending in the application. Applicant submits that the new claim is fully supported by the originally filed application.

Claim objections

The Examiner maintains that in new claims 11-13, there is no antecedent basis for “the start up circuit means”. In view of the amendments to claim 11 and cancellation of claims 12 and 13, Applicant requests the Examiner to withdraw the objection.

Rejection of claims 1, 5, 7, 9 and 11-13 under § 103(a) over Applicant’s prior art Fig. 1 in view of Wu and Lee

Claims 1, 5, 7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Applicant’s Prior Art Fig. 1 in view of Wu et al. (5,307,007) and Lee (6,356,139). Applicant submits the following in traversal.

Claim 1

Without conceding on the patentability of unamended claim 1, Applicant amends claim 1 to recite the subject matter of claims 12 and 13. Applicant submits that features of claims 12 and 13 (now amended into claim 1) are not disclosed or suggested by Applicant’s Prior Art Fig. 1 in view of Wu and Lee at least for the following reasons.

Claim 1 recites, *inter alia*, “wherein the bias circuit comprises the start-up circuit part for improving stability characteristics of the constant bias voltage at a high frequency range and eliminating noise from the power source voltage”. On the contrary, the combination of the Applicant’s Prior Art Fig. 1, Wu and Lee merely discloses a start-up function. Applicant submits that the above noted features are not disclosed or suggested by the combination of the Applicant’s Prior Art Fig. 1, Wu and Lee.

Additionally, the Examiner, in the Final Office Action dated July 9, 2009 and the Advisory Action dated October 15, 2009, alleges that the combination of the Applicant’s Prior Art Fig. 1, Wu and Lee inherently possesses the properties recited in claims 12 and 13 (now amended into claim 1). Applicant submits that according to MPEP § 2112 “‘In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)”. Since the Examiner does not provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic of claims 12 and 13 (now amended into claim 1) necessarily flows from the teachings of the combination of the Applicant’s Prior Art Fig. 1, Wu and Lee, Applicant submits that the above noted features of claim 1 are not disclosed or suggested by the combination of the Applicant’s Prior Art Fig. 1, Wu and Lee.

Furthermore, in the Advisory Action dated October 15, 2009, the Examiner asserts that the stability and noise characteristics of the invention are only casually mentioned in the original

disclosure and no technical elaborations or explanations are presented. Applicant respectfully disagrees with the Examiner for at least the following reasons. Applicant directs the Examiner's attention to Figs. 10A, 10B and 10C and paragraphs [0052] to [0054] of the originally filed application. According to paragraphs [0052] to [0054] of the originally filed application, a desired bias voltage can be outputted with a conventional start-up circuit, but oscillations occur in a high frequency range. On the contrary, Fig. 10C, which shows an output waveform having a start-up circuit according to an exemplary embodiment of the present invention, depicts a stable output of a bias voltage in which the oscillation phenomenon does not exist at a high frequency range. In view of the above, Applicant respectfully submits that the originally filed application clearly discloses the stability and the noise attributes of the present invention in at least Figs. 10A, 10B and 10C and paragraphs [0052] to [0054].

In view of the foregoing, Applicant respectfully submits that claim 1 is patentable.

For reasons similar to those submitted for claim 1, Applicant respectfully submits that claim 9 is patentable.

Claims 5, 7 and 11, which depend from claim 1, are patentable at least by virtue of their dependencies.

Rejection of claims 3, 6 and 8 under § 103(a) over Applicant's prior art Fig. 1 in view of Wu and Park

Claims 3, 6 and 8 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Applicant's Prior Art Fig. 1 in view of Wu et al. (5,307,007) and Park et al. (5,880,625). Applicant submits the following in traversal.

Claim 3

For reasons similar to those submitted for claim 1, Applicant respectfully submits that claim 3 is patentable.

Claims 6 and 8, which depend from claim 3, are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
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CUSTOMER NUMBER

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